

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

THE STATE OF LOUISIANA, et al.,

*Plaintiffs,*

v.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

*Defendant.*

No. 2:24-cv-629-DCJ-TPL

Judge David C. Joseph

Magistrate Judge Thomas P. LeBlanc

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UNITED STATES CONFERENCE OF  
CATHOLIC BISHOPS, et al.,

*Plaintiffs,*

v.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, et al.,

*Defendants.*

No. 2:24-cv-691-DCJ-TPL

Judge David C. Joseph

Magistrate Judge Thomas P. LeBlanc

**BISHOPS PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AND  
PERMANENT INJUNCTION**

Pursuant to Federal Rules of Civil Procedure 56 and 65 and Local Rule 56, Plaintiffs the United States Conference of Catholic Bishops, the Society of the Roman Catholic Church of the Diocese of Lake Charles, the Society of the Roman Catholic Church of the Diocese of Lafayette, and The Catholic University of America (collectively, the Bishops) hereby move for summary judgment and a permanent injunction on Counts I, III, V-VII, and IX-X set out in their Complaint (ECF 1) against Defendants Equal Employment Opportunity Commission and Charlotte Burrows (collectively, Defendants). The Bishops respectfully request a hearing on the same.

The Bishops respectfully request the Court to grant summary judgment to the Bishops on the claims listed above, holding that:

- (1) Defendants' inclusion of abortion in the Final Rule, *Implementation of the Pregnant Workers Fairness Act*, 89 Fed. Reg. 29,096 (Apr. 19, 2024) (Final Rule), and in their interpretation of the Pregnant Workers Fairness Act, 42 U.S.C. § 2000gg *et seq.* (PWFA), violates the Administrative Procedure Act, 5 U.S.C. § 706 (APA) as being in excess of statutory jurisdiction, authority, and limitations (Count I);
- (2) Defendants' narrow construction of the PWFA's religious exemption, 42 U.S.C. § 2000gg-5(b), and Title VII's religious exemption, 42 U.S.C. § 2000e-1(a), in the Final Rule and in their interpretation of the PWFA and Title VII, 42 U.S.C. § 2000e *et seq.* (Title VII), is in violation of the APA as being in excess of statutory authority and short of statutory right, and is in violation of the PWFA and Title VII religious exemptions (Count III);
- (3) Defendants' application of the Final Rule, the PWFA, and Title VII to impose accommodation or nondiscrimination requirements on, or to otherwise penalize or restrict, the Bishops' religious employment policies or practices regarding abortion, contraception, sterilization, and/or artificial reproductive technologies such as in vitro fertilization, artificial insemination, and surrogacy are in violation of the APA and of the PWFA and Title VII religious exemptions (Count III), and of the First Amendment's protection for church autonomy (Count VII);
- (4) Defendants' application of the Final Rule, the PWFA, and Title VII to impose accommodation or nondiscrimination requirements on, or to otherwise penalize or restrict, the Bishops' religious employment policies or practices regarding abortion, contraception, sterilization, and/or artificial reproductive technologies such as in vitro fertilization, artificial insemination, and surrogacy substantially burden the religious exercise, association, and speech of the Bishops without sufficient justification and therefore are in violation of the Religious Freedom Restoration Act, 42 U.S.C.

§ 2000bb *et seq.* (Count V), and the First Amendment's Free Exercise Clause (Count VI), and the First Amendment's Free Speech Clause's protection for expressive association and speech (Counts IX and X).

Accordingly, and along with any other relief this Court deems just and proper, the Bishops respectfully request the Court to:

- (1) hold unlawful, set aside, and vacate the Final Rule as it regards the inclusion of abortion in the Final Rule;
- (2) declare unlawful Defendants' interpretation of the PWFA as it regards the inclusion of abortion in the PWFA;
- (3) hold unlawful, set aside, and vacate the Final Rule's narrow construction of the PWFA and Title VII religious exemptions;
- (4) declare unlawful Defendants' narrow interpretation of the PWFA and Title VII religious exemptions;
- (5) permanently enjoin Defendants from enforcing the Final Rule and Defendants' interpretation of the PWFA as it regards the inclusion of abortion in the Final Rule and in the PWFA;
- (6) declare unlawful the application of the Final Rule, the PWFA, and Title VII to impose accommodation or nondiscrimination requirements on, or to otherwise penalize or restrict, the Bishops' religious employment policies or practices regarding abortion, contraception, sterilization, and/or artificial reproductive technologies such as in vitro fertilization, artificial insemination, and surrogacy; and
- (7) permanently enjoin Defendants from enforcing the Final Rule, the PWFA, and Title VII to impose accommodation or nondiscrimination requirements on, or to otherwise penalize or restrict, the Bishops' religious employment policies or practices regarding abortion, contraception, sterilization, and/or artificial reproductive technologies such as in vitro fertilization, artificial insemination, and surrogacy.

The grounds for this Motion are set out in the Bishops' accompanying Memorandum in Support and in the attached declarations.

Respectfully submitted,

Jonathan Berry  
(W.D. La. Temporary Bar No. 918121)  
James R. Conde  
(W.D. La. Temporary Bar No. 918116)  
Boyden Gray PLLC  
800 Connecticut Ave. NW, Suite 900  
Washington, DC 20006  
Phone: (202) 955-0620  
Fax: (202) 955-0621  
jberry@boydengray.com

/s/ Daniel H. Blomberg  
Daniel H. Blomberg  
(W.D. La. Temporary Bar No. 918117)  
*Trial Attorney*  
/s/ Michael J. O'Brien  
Michael J. O'Brien  
(LA Bar No. 38852)  
Laura Wolk Slavis  
(W.D. La. Temporary Bar No. 918118)  
Andrea R. Butler  
(W.D. La. Temporary Bar No. 918119)  
Jordan T. Varberg  
(W.D. La. Temporary Bar No. 918120)  
The Becket Fund for Religious Liberty  
1919 Pennsylvania Ave. NW, Suite 400  
Washington, DC 20006  
Phone: (202) 955-0095  
Fax: (202) 955-0090  
dblomberg@becketlaw.org

*Counsel for Bishops Plaintiffs*

Dated: October 10, 2024

**CERTIFICATE OF COMPLIANCE**

This motion for partial summary judgment complies with the requirements of Local Rule 56.1.

/s/ Daniel H. Blomberg

Daniel H. Blomberg  
(W.D. La. Temporary Bar No. 918117)  
*Trial Attorney*

/s/ Michael J. O'Brien

Michael J. O'Brien  
(LA Bar No. 38852)

Dated: October 10, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2024, the foregoing was served on counsel for all parties via the Court's CM/ECF system.

/s/ Daniel H. Blomberg

Daniel H. Blomberg  
(W.D. La. Temporary Bar No. 918117)  
*Trial Attorney*

/s/ Michael J. O'Brien

Michael J. O'Brien  
(LA Bar No. 38852)

Dated: October 10, 2024